

REMARKS

Applicants and their counsel wish to express their thanks to Examiner Dorsey for his courtesy and frankness during the telephone interview on February 4, 2003. Respectfully, applicants disagree that claims 1, 2, 5, and 6, as here amended, are anticipated by Cohn U.S. Patent 2,860,385. Each of these claims calls for a water-impermeable, water-resistant adhesive. By contrast, Cohn uses a mastic or other adhesive that is water-permeable. Cohn recognizes that water permeating through such a mastic or other adhesive would cause distortion/warping of the floorboards. Cohn seeks to avoid such distortion/warping by forming grooves on the back of the floorboards into which the mastic or other adhesive penetrate. Cohn relies upon this mastic-in-groove mechanical structure to mitigate warping/distortion from water permeating through the mastic or other adhesive into Cohn's floorboards.

By contrast, applicants' adhesive is water-resistant and water-impermeable, substantially preventing water from permeating through the adhesive into the floorboards, and obviating the need for a grooved structure on the floorboards.

Mr. Dorsey pointed out that Cohn at column 2, lines 46-48 mentions the

use of adhesives other than a mastic. Read in context, however, this statement refers to adhesives or bonding agents which are, like Cohn's mastic, water-permeable. Otherwise, there would be no need for the under-board grooves Cohn requires in his floorboards.

Applicants' claims 8 and 9 are also clearly patentable over the Cohn patent, because Cohn does not call for nailing boards to the concrete floor through his adhesive layer. The cited Sweet patent is not relevant. Sweet depicts and discloses nailing laminate boards to concrete, not solid wood planks.

Applicants' counsel pointed out that the Cohn flooring was, in 1956, and is today, contrary to the requirements of the hardwood flooring manual of the National Wood Flooring Association (copy enclosed). See page 20, which states as follows: "Nailed down plank flooring must have an approved subfloor over the concrete. Plank can not be shot to the concrete. 3/4 inch plank cannot be direct glued to concrete. Plank cannot be glued and nailed direct to concrete." The NOTE at the bottom of page 20 refers to the immediately preceding NOTE, reading as follows: "Some manufacturers suggest direct glue installation of 3/4" plank in lengths less than 11 1/4". In such cases follow manufacturers

recommendation.” Applicants here claim wood planks at least about 3 feet in length, to which the foregoing NOTES do not apply.

In view of the foregoing amendments and remarks, applicants respectfully request reconsideration and allowance of claims 1, 2, 3, 5, 6, 10, 12 and 13, as here amended. Applicants’ counsel would welcome a telephone call at any time to discuss any issue.

Respectfully submitted,



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